



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06-307,931	01/14/83	PETITOU	200,310-0

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EXAMINER	
BRUNNEN	
ART UNIT	PAPER NUMBER
123	7

DATE MAILED: 02/10/85

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 7/29/84 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 5-48 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claim 41 is allowed.
4. ☒ Claims 5-40 and 42-48 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 123

Claims 1-40 and 42-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 5, 25 and 30 are unduly prolix. Claim 36 is an improper use claim. Claim 14 is directed to several different processes. The claims are functional, indefinite or alternative in the use of the following terms: "and/or", "several types of protective groups", "if desired", "one or several", "such as", "if necessary", "possibly substituted", "derivative", "possibly for the purpose of", "disaccharide lengthening towards the left", "lengthening to the right", "particularly", "generally", "alternatively", "for example", "in particular", "protective or functionalizable groups", "preferred meanings", "partially removed", and "biological reagents". The terms "Particularly" (cl. 14) and "phosphate" (cl. 37) are misspelled. The claims do not state for what purpose the pharmaceutical compositions are useful. The compound claims further indefinite (cl. 23, for example), ⁱⁿ "a temporary group", "a permanent group" and "derivative".

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth

in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 and 42-48 are rejected under 35 U.S.C. 103 as being unpatentable over each of the patents to Szarek et al., Nair et al., Coussediere et al., the PCT French Patent or the Kochetkov et al., reference. Each of the references discloses the instantly claimed conventional process. The novelty herein is seen to be in the use of other saccharide reactants. To substitute the instant starting materials in the processes shown by each of the references is deemed to be an obvious substitution well within the ordinary skill of the art.

Brown:jag

A/C 703

557-3920

10/3/84

Johnnie R. Brown
JOHNNIE R. BROWN
PRIMARY EXAMINER
ART UNIT 123